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11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13

14 AMERICAN CIVIL LIBERTIES
15 UNION FOUNDATION OF
SOUTHERN CALIFORNIA,

16 Plaintiff,

17 v.

18 UNITED STATES IMMIGRATION
19 AND CUSTOMS ENFORCEMENT, et
20 al.

21 Defendants.

No. 2:22-cv-04760-SHK

**SUPPLEMENTAL DECLARATION OF
CATRINA M. PAVLIK-KEENAN**

Honorable Shashi H. Kewalramani
United States Magistrate Judge

22 **I. INTRODUCTION**
23

24 I, Catrina M. Pavlik-Keenan, pursuant to 28 U.S.C. § 1746, hereby declare as
25 follows:

26 1. I am the Deputy Chief Freedom of Information Act (“FOIA”) Officer for
27 the Privacy Office of the U.S. Department of Homeland Security (“DHS” or the
28 “Department”). I have held my current position since July 4, 2021.

2. This declaration supplements my declaration dated May 23, 2023, (Dkt. 123 at pp. 6-10) to further explain the work of DHS-FOIA and in support of DHS's Opposition to Plaintiff's Motion to Enforce (Dkt. 125).

II. DHS FOIA Workload

3. DHS-FOIA receives and processes FOIA requests for the following Department of Homeland Security Headquarter ("DHS-HQ") Offices: Office of the Executive Secretary, Management Directorate, Office of Strategy, Policy, and Plans, Office of Operations Coordination, Office of Partnership and Engagement, Privacy Office, Civil Rights and Civil Liberties ("CRCL"), Center for Prevention Programs and Partnerships, Office of the General Counsel, Office of Legislative Affairs, Office of Public Affairs, Office of the Citizenship and Immigration Services Ombudsman, Office of the Immigration Detention Ombudsman, Office of the Secretary, Office of Biometric Identity Management ("OBIM"), Federal Protection Service ("FPS"), and the Office of Intelligence and Analysis ("I&A"). Additionally, as indicated in the paragraph above, DHS-FOIA, in accordance with an internal agreement, receives and processes FOIA requests for operational component Cybersecurity and Infrastructure Security Agency ("CISA").

4. Of the offices mentioned in the previous paragraph, CRCL, FPS, and I&A were offices that previously had independent FOIA offices. DHS's Science and Technology Directorate (S&T) also had an independent FOIA office. In March 2025, the FOIA responsibilities for these offices were reassigned to DHS-FOIA as explained in paragraphs 5 and 6 of my May 23, 2025, declaration. *See* Dkt. 123 at pp. 8-9. Those responsibilities occurred without the reassignment of the staff from those three offices – though DHS-FOIA has received employees via a detail assignment to assist with processing I & A records only.

5. Accordingly, DHS-FOIA has seen a substantial increase in workload without the corresponding increase in staff allocation. In fact, DHS-FOIA has lost five

1 full time FOIA analysts who elected to take early retirement. In FY25, to date, DHS-
2 FOIA Privacy Office has received 100,273 FOIA requests, of which 58,042 requests
3 have been processed. The current backlog is approximately 42,853 FOIA requests.
4 DHS-FOIA also took on a total of 797 additional FOIA requests as a result of
5 realignment, including 119 from CRCL. On average, each FOIA analyst on its initial
6 disclosure team is assigned to handle between 200-500 routine FOIA requests and 42
7 complex FOIA requests. The FOIA request in this case is considered complex (e.g.,
8 various types of records, number of responsive records, etc.). Additionally, DHS-FOIA
9 is the defendant in 122 cases in federal FOIA litigation. Currently, DHS-FOIA's
10 litigation team includes six (6) full time federal employees that help process records for
11 cases in litigation, including coordinating litigation consultations to other agencies and
12 making releases to plaintiffs; in addition, these employees coordinate FOIA appeals for
13 DHS Headquarters and are also responsible for providing training, handling proactive
14 disclosures to DHS's FOIA reading room, and other assigned special projects. With
15 regard to processing records, on average, each analyst of the DHS-FOIA litigation team
16 processes approximately 2,500 pages per month across all of the FOIA litigation cases
17 with active productions. As such, DHS-FOIA has limited ability to process more than
18 seven hundred (700) pages a month for this matter given the resource limitations
19 described above.

20 **III. CRCL's Release Activity**

21 6. Previously, I averred that CRCL-FOIA conducted a search for emails and
22 OneDrive records, and that 427 records equaling about 6,506 pages were first identified,
23 after a de-duplication process occurred. *See* Dkt. 123 at p. 9. After expending a great
24 deal of time with several DHS staff, DHS-FOIA was able to locate what were likely the
25 records but were unable to ascertain how CRCL FOIA processed the records to reach the
26 amount of 6,506 pages of records that were previously reported to the Plaintiff and the
27 Court. DHS-FOIA searched the CRCL FOIA's officer's files and SharePoint, email
28 communications about the search, and DHS-FOIA's FOIA case management system.

1 Additionally, the Office of General Counsel met with OICO to ascertain the history of
2 the search and efforts made to comply with the Court's order. DHS OCIO identified that
3 the search results were placed and located on CRCL FOIA's SharePoint site, but were no
4 longer there. It appeared some of the records were placed in DHS-FOIA's FOIA case
5 management system, but DHS-FOIA could not ascertain and verify whether all of the
6 records responsive to the request were there.

7 7. Given that DHS-FOIA was unable to completely verify the original search
8 results, on May 28, 2025, DHS-FOIA repeated the two searches with the previously
9 agreed upon search terms. These searches yielded roughly 596,000 pages after
10 deduplication. DHS-FOIA is currently doing a more detailed and in-depth keyword
11 search now of these search results, as well as performing an initial responsiveness
12 review, to ensure DHS-FOIA adequately processes responsive records to the request. At
13 present, DHS-FOIA has been able to reduce this number significantly to 270,000 pages
14 and is confident it will be able to further narrow the results. DHS-FOIA plans to
15 complete this process by June 13, 2025, and DHS-FOIA can then immediately begin to
16 process these records on a rolling basis at a rate of 700 pages per month consistent with
17 its present processing rate and ability, with the first production and response expected on
18 July 15, 2025.

19 Under penalty of perjury, pursuant to 28 U.S.C. § 1746, I declare the foregoing is
20 true and correct to the best of my knowledge and belief. Signed this 6th day of June 2025.

21 CATRINA M
22 PAVLIK KEENAN

23 CATRINA M. PAVLIK-KEENAN

24 Digitally signed by CATRINA M
25 PAVLIK KEENAN
26 Date: 2025.06.06 14:45:12 -04'00'